HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.24697 of 2006

Date: 6th December, 2006

Between :-

Kasukurti Janardhana Rao .. Petitioner

And

The District Level Committee &
District Panchayat Officer,
Krishna District at Machilipatnam
Rep. by its Convenor and 4 others .. Respondents

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ORDER:-

The matter is coming up for *admission.*

2. A.G.P. for Panchayat Raj represents R.1 to R.4 and G.P. for Revenue represents R.5.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in publishing the Tender Notice in R.K.2743/2005 P-7, dt.14-11-2006, calling for sealed tender-cum-public auction for the Chevitikallu Sand Reach (R.S.No.242) of Kanchikacherla Mandal, Krishna District, till the representation made by the petitioner is disposed of by the 1st and 2nd respondents in terms of the A.P.Minor Mineral Concession Rules, 1966, as illegal, arbitrary and consequently set aside the Tender Notice in R.K.2743/2005 P-7, dt. 14-11-2006 and pass such other suitable orders.

4. It is stated that on 14-11-2005 the Joint Collector, Krishna District had issued the notification Rc.No.2743/2005 P-7 and the petitioner participated in the tender-cum-public auction conducted on 3-12-2005 for sand quarry leasehold rights and became the successful bidder for the Chevitikallu Sand Research (R.S.No.242) of

Kanchikacherla Mandal, Krishna District. It is also stated that on 19-12-2005 the 1st respondent had issued proceedings Rc.No.2743/2005 P-7 confirming the bid of the petitioner. It is further stated that due to heavy rains and floods, resulting heavy inflow into river Krishna from Nagarjuna Sagar, the Mandal Revenue Officer, Kanchikacherla – the 5th respondent issued proceedings Rc.No.445/2005 dt. 3-8-2006 directing the petitioner to stop the sand quarrying operations till the weather conditions are improved and inflows are reduced and as such, the petitioner could not operate the sand quarry for the period from 4-8-2006 to 29-8-2006 and 1-9-2006 to 5-9-2006 i.e., for 31 days. It is also further stated that thereafter due to heavy rains and floods, on 19-9-2006 the Mandal Revenue Officer, Kanchikacherla – the 5th respondent through his proceedings Rc.No.445/2005 once again directed the petitioner to stop quarrying operations and that the petitioner could not operate the sand quarrying operations from 20-9-2006 to 18-11-2006 i.e., for 60 days. In the facts and circumstances, it is stated that the petitioner could not operate the sand quarrying operations from 4-8-2006 to 29-8-2006, from 1-9-2006 to 5-9-2006 and from 20-9-2006 to 18-11-2006 i.e., for a period of 91 days. Several other factual details

had been narrated and Rule 9-(B)(2)(b) and Rule 9-K of the A.P.Minor Mineral Concession Rules, 1966, and also Rule 10-L and 10-N of the aforesaid Rules also had been referred to. It is also stated that on 21-11-2006 a representation was made to the 1st and 2nd respondents requesting to consider the case of the petitioner for the non-operation period.

5. The learned A.G.P. for Panchayat Raj states that the 1st respondent is the competent authority to consider such representations. It is also stated that on 1-12-2006 the auction was already held.

6. In the light of the facts and circumstances, the petitioner is given liberty to make a representation to the 1st respondent narrating all the details and raising all the grounds specified in the present Writ Petition within a period of one week and the 1st respondent to consider the said representation and dispose of the same in accordance with law within a period of two months thereafter.

7. The Writ Petition is disposed of accordingly. No order as to costs.

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Justice P.S.Narayana

6th December, 2006

smr